

CLOSED,TYPE I-FOIA

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:17-cv-02572-ABJ**

ENERGY & ENVIRONMENT LEGAL INSTITUTE v.  
 UNITED STATES DEPARTMENT OF HEALTH AND  
 HUMAN SERVICES

Assigned to: Judge Amy Berman Jackson  
 Cause: 05:552 Freedom of Information Act

Date Filed: 11/30/2017  
 Date Terminated: 02/19/2019  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: Federal Question

**Plaintiff**

**ENERGY & ENVIRONMENT  
 LEGAL INSTITUTE**

represented by **Chaim Mandelbaum**  
 FREE MARKET ENVIRONMENTAL  
 LEGAL CLINIC  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES DEPARTMENT OF  
 HEALTH AND HUMAN SERVICES**

represented by **Fred Elmore Haynes**  
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 DISTRICT OF COLUMBIA  
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**TERMINATED: 10/01/2018**

Date Filed	#	Docket Text
11/30/2017	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES ( Filing fee \$ 400 receipt number 0090-5228060) filed by ENERGY & ENVIRONMENT LEGAL INSTITUTE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons to Civil Process Clerk of US Attorney, # <u>3</u> Summons To Dept of Health and Human Services, # <u>4</u> Summons to Attorney General, # <u>5</u> Exhibit Exhibit 1)(Mandelbaum, Chaim) (Attachment 1 replaced on 12/1/2017) (zsth). (Entered: 11/30/2017)
11/30/2017	<u>2</u>	Corporate Disclosure Statement by ENERGY & ENVIRONMENT LEGAL INSTITUTE. (Mandelbaum, Chaim) (Main Document 2 replaced on 12/28/2017) (zsth). (Entered: 11/30/2017)

11/30/2017		Case Assigned to Judge Amy Berman Jackson. (zsth) (Entered: 12/01/2017)
12/01/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 12/01/2017)
01/04/2018	<u>4</u>	NOTICE of Appearance by Claire M. Whitaker on behalf of UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Whitaker, Claire) (Entered: 01/04/2018)
01/04/2018	<u>5</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 01/04/2018)
01/10/2018		MINUTE ORDER granting defendant's consent motion for an extension of time. Defendant shall file its answer or other response by February 5, 2018. Signed by Judge Amy Berman Jackson on 01/10/18. (lcabj3) (Entered: 01/10/2018)
02/05/2018	<u>6</u>	Consent MOTION for Extension of Time to <i>file an answer or other response to Plaintiff's Freedom of Information Act complaint</i> by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 02/05/2018)
02/06/2018		MINUTE ORDER granting <u>6</u> Motion for Extension of Time. Defendant must file an answer to plaintiff's complaint or other response by February 12, 2018. Signed by Judge Amy Berman Jackson on 02/06/2018. (lcabj3) (Entered: 02/06/2018)
02/12/2018	<u>7</u>	ANSWER to <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Whitaker, Claire) (Entered: 02/12/2018)
02/13/2018		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendant shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before March 13, 2018. Signed by Judge Amy Berman Jackson on 02/13/2018. (lcabj3) (Entered: 02/13/2018)
03/13/2018	<u>8</u>	Consent STATUS REPORT <i>and Proposed Scheduling Order</i> by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 03/13/2018)
03/16/2018		MINUTE ORDER. In light of defendant's <u>8</u> status report, it is ORDERED that defendant Department of Health and Human Services shall complete its search for records by March 23, 2018. Defendant will provide plaintiff with approximately 200 pages of processed records by March 30, 2018. Thereafter, defendant will make rolling productions to plaintiff until the processing of records is complete. Defendant will complete the processing and production of nonexempt records to plaintiff by May 30, 2018. Plaintiff shall notify HHS if it is dissatisfied with the production and whether further litigation is necessary by June 11, 2018. Should dispositive motion briefing be required, defendant will prepare a Vaughn Index and supporting declaration(s) and provide it to plaintiff by June 25, 2018. Should Plaintiff still be dissatisfied with the explanatory information in defendants Vaughn Index and supporting declaration(s), defendant will file its motion for summary judgment on July 9, 2018. Signed by Judge Amy Berman Jackson on 03/16/2018. (lcabj3) (Entered: 03/16/2018)
03/18/2018		Set/Reset Deadlines: Defendant will prepare a Vaughn Index and supporting declaration(s) and provide it to plaintiff by 6/25/2018. Should Plaintiff still be dissatisfied with the explanatory information in defendants Vaughn Index and supporting declaration(s), Defendant will file its Motion for Summary Judgment on 7/9/2018. (jth) (Entered: 03/18/2018)
03/20/2018		MINUTE ORDER. The parties must file a joint status report on June 25, 2018. Signed by Judge Amy Berman Jackson on 03/20/2018. (lcabj3) (Entered: 03/20/2018)
05/30/2018	<u>9</u>	Consent MOTION for Extension of Time to <i>Comply with the Court's March 16, 2018, Minute Order</i> by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Haynes, Fred) (Entered: 05/30/2018)

05/31/2018		MINUTE ORDER granting <u>2</u> Motion for Extension of Time. The Court will vacate the pending deadlines in this case and it orders the parties to submit a joint status report by June 25, 2018, which should include a proposed schedule for further proceedings. Signed by Judge Amy Berman Jackson on 05/31/2018. (lcabj3) (Entered: 05/31/2018)
07/06/2018	<u>10</u>	Consent MOTION for Extension of Time to <i>Joint Status Report governing future proceedings</i> by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Whitaker, Claire) (Entered: 07/06/2018)
07/06/2018		MINUTE ORDER granting <u>10</u> Motion for Extension of Time. The parties must file a joint status report by July 17, 2018. Signed by Judge Amy Berman Jackson on 07/06/2018. (lcabj3) (Entered: 07/06/2018)
07/17/2018	<u>11</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Whitaker, Claire) (Entered: 07/17/2018)
07/19/2018		MINUTE ORDER. The parties must file an updated status report by September 18, 2018. Signed by Judge Amy Berman Jackson on 07/19/2018. (lcabj3) (Entered: 07/19/2018)
09/18/2018	<u>12</u>	Unopposed MOTION for Extension of Time to <i>File Status Report</i> by ENERGY & ENVIRONMENT LEGAL INSTITUTE (Mandelbaum, Chaim) (Entered: 09/18/2018)
09/21/2018		MINUTE ORDER granting <u>12</u> Motion for Extension of Time. The parties must file a joint status report by September 25, 2018. Signed by Judge Amy Berman Jackson on 09/21/2018. (lcabj3) (Entered: 09/21/2018)
10/01/2018		MINUTE ORDER. The parties were granted an extension to file a joint status report by September 25, 2018. The parties have not yet filed their report. The parties must file a joint status report by October 9, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/01/2018. (lcabj3) (Entered: 10/01/2018)
10/04/2018	<u>13</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Haynes, Fred) (Entered: 10/04/2018)
10/05/2018		MINUTE ORDER. The parties must submit an updated joint status report by December 3, 2018. Signed by Judge Amy Berman Jackson on 10/05/2018. (lcabj3) (Entered: 10/05/2018)
12/03/2018	<u>14</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Haynes, Fred) (Entered: 12/03/2018)
12/04/2018		MINUTE ORDER. The parties must submit a joint status report by January 3, 2019, if the case has not been resolved by then. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/04/2018. (lcabj3) (Entered: 12/04/2018)
01/02/2019	<u>15</u>	Joint MOTION for Extension of Time to <i>file Joint Status Report</i> by ENERGY & ENVIRONMENT LEGAL INSTITUTE (Mandelbaum, Chaim) (Entered: 01/02/2019)
01/04/2019		MINUTE ORDER granting <u>15</u> Joint Motion for Extension. It is ORDERED that the parties shall file a joint status report on the latter of either February 1, 2019 or one week after the lapse in government appropriations concludes. Signed by Judge Amy Berman Jackson on 1/4/19. (DMK) (Entered: 01/04/2019)
01/06/2019		Set/Reset Deadlines: The parties shall file a joint status report on the latter of either 2/1/2019 or one week after the lapse in government appropriations concludes. (jth) (Entered: 01/06/2019)
02/19/2019	<u>16</u>	STIPULATION of Dismissal <i>and Settlement</i> by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Haynes, Fred) (Entered: 02/19/2019)